



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Application of:)
Michael F. Morganelli et al.)
Serial No.: 09/483,759)
Filed: January 14, 2000)
For: Method and Apparatus for De-)
tecting and Resolving Circular)
Flow Paths in Graphical Pro-)
gramming Systems)

Examiner: not yet assigned

Art Unit: 2763

RECEIVED

AUG 25 2000

OFFICE OF PETITIONS

Cesari and McKenna, LLP
88 Black Falcon Avenue
Boston, MA 02210
August 23, 2000

“Express Mail” Mailing-Label Number: EL705602046US

Honorable Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

PETITION UNDER 37 CFR 1.47(A)
TO PERMIT FILING WHEN AN INVENTOR
CANNOT BE REACHED AND/OR REFUSES TO SIGN

Applicants hereby petition under 37 CFR 1.47(a) to permit the filing of the above-referenced patent application on behalf of co-inventor Gerard M. Reilly who cannot be reached and/or refuses to sign the Declaration. In support of its Petition, applicants submit herewith and rely upon the Declaration of Thomas K. Zebrowski, dated July 26, 2000 (hereinafter “Zebrowski Dec.”). As set forth herein, despite applicants’ diligent efforts, they have been unable to find or reach Mr. Reilly in order to obtain his signature to the

Declaration. Accordingly, applicants respectfully request that this Petition be granted and that the above-referenced application be accepted.

In support of this Petition, applicants state as follows:

All of the co-inventors, except for Mr. Reilly, have executed a 37 CFR 1.63 Declaration, which is submitted herewith on behalf of themselves and on behalf of Mr. Reilly whose name appears on the Declaration.

Mr. Reilly's last known address is

10 Vogle Street
West Roxbury, MA 02132

See Zebrowski Dec. at ¶7.

On July 18, 2000, a copy of the application papers, including a copy of the above-referenced patent application, the 37 CFR 1.63 Declaration and the Assignment were sent to Mr. Reilly's last known address, along with a cover letter requesting Mr. Reilly to review the enclosures and to sign the Declaration and Assignment. See Zebrowski Dec. at ¶8.

A copy of the July 18, 2000 cover letter was also sent to Mr. Reilly's counsel. See Zebrowski Dec. at ¶8.

In addition, Mr. Reilly's counsel was contacted and informed that Mr. Reilly was a co-inventor on the above-referenced patent application and that his signature to a Declaration and Assignment were requested. See Zebrowski Dec. at ¶¶4-5.

Despite these diligent efforts to contact Mr. Reilly both directly and through his counsel, no response has been received from Mr. Reilly or his counsel. See Zebrowski Dec. at ¶9.

Based on the foregoing, applicants submit that they have made diligent efforts to contact Mr. Reilly and secure his signature to the 37 CFR 1.63 Declaration for this patent application and that, despite those efforts, Mr. Reilly cannot be found and/or refuses to sign the Declaration. Accordingly, applicants respectfully request that this Petition be granted and that the application be permitted to be filed without Mr. Reilly's signature.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,


Michael R. Reinemann
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